



State of New Hampshire
WATER WELL BOARD



Kelly M. Dobrowolski, *Pump Installer, Chair*
Peter W. Caswell, C.W.D. - P.I., *Water Well Contractor*
Scott Costa, C.W.D. - P.I., *Water Well Contractor*
Abigail Fopiano, P.G., *Staff*

Bart Cushing, *Technical Driller*
Rene Pelletier, P.G., *Dept. of Environmental Services*
Frederick H. Chormann, Jr., P.G., *State Geologist*
Steve Lamb, P.G., *Public Member*

Final
NH WATER WELL BOARD MINUTES

August 2, 2018

A meeting of the New Hampshire Water Well Board ("Board") was held on August 2, 2018, in the Department of Environmental Services (DES) Building in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03301.

Present were: Kelly Dobrowolski, Chair
Board Members: Scott Costa, Bart Cushing, Peter Caswell, Steve Lamb and Rick Chormann
DES Staff: Andrew Koff, Abigail Fopiano

Ms. Dobrowolski opened the meeting at 9:31 A.M., and read the opening statements. The Board members introduced themselves and welcomed the public in attendance.

Approval of Minutes

The Board reviewed the Minutes for the June 7, 2018 Board meeting. Mr. Cushing motioned to approve the April 3, 2018 Water Well Board Minutes. Mr. Costa seconded the motion and the Board unanimously voted to accept the minutes as presented.

New License Applications

Two applications were reviewed by the Board. One applicant is seeking a domestic pump installer license for a new business; this applicant would be considered the qualified individual for the business. The other applicant is seeking a technical drilling license for a licensed business that lost their qualified individual. This applicant would be the new qualified individual for the business.

The applicant for the domestic pump installer's license provided three references, however none of the references were a current NH licensed pump installer as required. The applicant was in the room and noted that he tried to get a licensee to provide a reference, however, was not successful. Members of the Board discussed the option of the applicant sitting down with a Board member, with a pump installer's licensee, to obtain a reference. Mr. Costa made a motion to allow the applicant to sit for the exam(s), however would not be issued a license until a reference from a pump installer licensee was received. Mr. Chormann seconded the motion. The Board voted unanimously to allow the applicant sit for the exam, however upon passing the exams would not be issued a license until a reference from a pump installer licensee was received by the Board.

The applicant seeking a technical drilling license submitted a complete application. Mr. Chormann made a motion to allow the applicant sit for the exam. Mr. Cushing seconded the motion. The Board voted unanimously to allow the applicant to sit for the exam.

License Renewal Process

Ms. Fopiano reported that the license renewal process has been going well. Currently there are 30 licensees that have yet to renew. Any licensees that did not renew by the June 30 expiration date were sent a letter in mid-July noting that they are no longer active and can reactivate within 1 year by sending in the renewal form, license fees and late fee. Mr. Costa requested a list of the licensees that did not renew for the Board to review.

Probation Report

Ms. Fopiano reported that the licenses currently on probation are within the terms of their probation.

DES Enforcement Report

Emily Jones, with DES enforcement, was not available for the meeting. On Ms. Jones behalf, Ms. Fopiano presented the enforcement report to the Board detailing enforcement actions initiated by DES for violations of RSA 482-B and the rules of the Board, We 100 - 1000. Prior to presenting the report, Ms. Dobrowolski noted that for enforcement cases that do not go before the Board (ex. cases against unlicensed persons), the Board is the appellant to DES and the board shall not make any opinions regarding the case. Ms. Fopiano reported a general overview of the violations, DES actions, and current status of specific recent cases. This report included a synopsis of cases that have been settled with DES where the respondent is within a two-year compliance tracking list.

Old Business**Business licensing and working under Trade Names/DBAs**

Ms. Fopiano provided an update to the Boards request of Capital Well Company, license #225, to attend a Board meeting to discuss concerns of doing business under the trade name of Granite Well and Pump or obtain a new license number for Granite Well and Pump, utilizing Capital Well's qualified individuals and the qualified individuals for the new company. In the last correspondence with Ms. Fopiano, Capital indicated they are open to get a new license number. Ms. Fopiano requested they submit a filled out renewal form with the new business information, which had not been received prior to the meeting. Ms. Dobrowolski noted that an application form is more suitable to obtain new business information. Ms. Fopiano will request Capital Well fill out the applicant form for Granite Well and submit to the Board. If received and considered complete, Ms. Fopiano will issue a new business number to Granite Well and Pump.

A discussion continued on the licensing connection between individuals and businesses, specifically related to Board approval of new business licenses. It was determined that if an entity is applying as a new business with a qualified individual(s) that are already licensed, the approval does not have to go before the Board. Ms. Fopiano noted that currently every licensed individual is tied to a company or entity that they would do business under. For most licensees, that is a company registered with NH Secretary of State (LLC or Inc.). For others, it is a business listing of the individual doing business as themselves. Every individual has a license number, which starts with a W. Every business has a license number (no W) and has qualified individuals assigned to it. The Board agreed that a licensee can be the qualified individual for multiple business licenses.

Mr. Cushing recollected that business licensing rules were initiated in order to have a legal record of liability in the event of wrongdoing to the public. Mr. Cushing's opinion was that if a licensee is not a qualified individual or not working under an LLC or incorporated company they do not have to be tied to a business. Mr. Koff noted that administratively, due to computer programming, each individual had to be tied to a business and with the new licensing program that may no longer be required.

Joint Committee on Code Enforcement

Ms. Dobrowolski provided a synopsis of the Joint Committee on Code Enforcement ("Committee") meetings held on June 11th and July 25, 2018. Per the Statute (RSA Section 153:4-b), the Chair of the Water Well Board is to sit on the Committee. This Committee is currently reviewing regulations (HB1254), which initiated a study to review the process of adopting building and fire codes. It is the Committee's stance that this review may lead to the code adopting process being put in the control of legislators, rather than in the control of the state Fire Marshall's office. The Committee does not want that to happen. Ms. Dobrowolski asked if any Board members have input or ideas to report back to the Committee to help the cause. A discussion ensued as to the benefits of the legislators versus industry representatives making rules and adopting codes. Ms. Fopiano noted that the Committee is currently working on outreach initiatives with the purpose of gathering testimony from industry representatives that will be presented to the group performing the study outlined in HB1254. This outreach could be distributed to the water well contractors. The next scheduled Committee meeting on September 25th.

New Business

Training with the Mechanical Board

At the suggestion of the Chair of the Mechanical Board, Ms. Fopiano received a request from the mechanical inspector with the Department of Safety, who conducts training for licensed plumbers. He requested input from the Water Well Board as to information licensed plumbers should be aware of when working on water systems as well as information pertaining to obtaining a pump installer license. Ms. Fopiano asked the Board what topics they feel are pertinent. The main responses were electrical and sanitation, as well as tank sizing and basics on types of wells and well capacity. The Board discussed general unwritten guidance that if water system work is to be done that is outside the foundation, a pump installer license is required. Ms. Dobrowolski noted that there should be clarification that when a new pump is installed (replaced) in an existing well, a pump installer license is required.

Board Elections

Mr. Cushing motioned to nominate Ms. Dobrowolski as Chair for the next year; this would be her second year. Mr. Chormann seconded the nomination. There were no other nominations. The Board voted unanimously to reelect Ms. Dobrowolski as Chair. Mr. Cushing nominated Mr. Pelletier as the Secretary for the next year. Mr. Caswell seconded the nomination. There were no other nominations. The Board voted unanimously to elect Mr. Pelletier as Secretary.

Mr. Chormann motioned to adjourn the meeting. Mr. Caswell seconded the motion, and the Board unanimously voted to adjourn at 11:56 A.M.



Rene Pelletier

Water Well Board Secretary